

## REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks which follow are courteously requested.

The claims in the application were claims 1-12. By this amendment new claims 13 and 14 have been added. Accordingly, the claims now in the application are claims 1-14.

Claims 2, 10 and 12 have been rejected under 35 USC §112, second paragraph.

Claim 2 has been alleged to be indefinite for reciting the word "preferably". In response to this rejection claim 2 has been amended to delete the word "preferably". Accordingly, this rejection has been obviated and withdrawal of this rejection is respectfully requested.

New claims 13 and 14 recite narrower ranges for the pH of 10.3 and 10.5 that were originally recited in claim 2. Entry and allowance of new claims 13 and 14 are respectfully requested.

Claims 10 and 12 have been rejected on the grounds of having improper claim dependency. This has been corrected by changing claim 10 so that it depends on claim 9 and by changing claim 12 so that it depends on claim 11. Therefore, this rejection has been obviated and its withdrawal is respectfully requested.

Claims 1-12 have been rejected under 35 USC §103(a) as being unpatentable over Lim. This rejection is respectfully traversed.

More specifically, it is submitted that Lin fails to render obvious the particular claimed invention. For instance, while Lim at column 6, lines 1 and 2 recites that its

compositions can have a pH which ranges from 5 to 11 and can have a preferred pH range of about 8 to 10, nothing in Lim particularly points out the desirability of compositions which have pHs above 10. Moreover, nothing in Lim suggests the desirability of having a composition which has a pH of greater than 10 at the same time that it comprises a peroxygen compound, a buffering agent and cholesterol or derivatives thereof.

In this connection, it is noted that column 3, line 48 of Lim merely states that cholesterol along with lanolin derivatives and pantothenic acid may be formulated as hair-care substances into hair care compositions. However, nothing in Lim indicates that the peroxide, cholesterol and buffering agent compositions of the present claims which have pHs above 10 result in compositions which cause less hair damage.

In fact, none of the specific examples of Lim even contain cholesterol. Indeed, the whole focus of the Lim disclosure is the advantages to be found in the use of a combination of 3-substituted-4-aminophenols and 2-substituted-1-naphthols. It is respectfully submitted that one skilled in the art would not find the present claims obvious from the teachings of Lim. Accordingly, withdrawal of this rejection under 35 USC §103(a) is respectfully requested.

Claims 1-12 have been rejected under 35 USC §103(a) as being unpatentable over Anderson. This rejection is respectfully traversed.

At the outset, it is noted that the Lim patent and the Anderson patent share one of the same inventors, namely James S. Anderson and also have some of the same "boiler plate" language. Thus, there is statement in Anderson of possible pH ranges of its compositions which can be found at column 10, lines 39-45, follows word for word the disclosure of pH ranges in Lim.

Similarly, the disclosure of cholesterol as a possible additive, which can be found in Anderson at column 8, lines 5-7, again follows word for word the disclosure of cholesterol in Lim.

Applicants point this out not to argue that the word "cholesterol" is not present, but rather to point out that these disclosures merely represent "boiler plate" which accompanies these two patents and does not refer, in fact, to the gist of the invention in these two patents, nor would it be what one skilled in the art would derive as teachings from these two patents.

More specifically, the Anderson patent, as pointed out at column 2, lines 30-35 relates particularly to a new class of compounds which are 1-(4-aminophenyl) pyrrolidines which have advantageous hair coloring properties. None of the specific compositions in Anderson even includes cholesterol.

If one takes as proper teachings all of the boiler plate language that is included in Anderson, then it is noted that Anderson would render obvious all possible compositions having any specific combinations of fatty alcohols, alkyl sulfonates, oxyethoxylated fatty alcohols, alkylbenzene sulfonates, oxyethylated nonylphenyls, starch, cellulose derivatives, paraffin oil, fatty acids, lanolin derivatives, cholesterol, pantothenic acid, just to name a few of the many ingredients which are recited in the Anderson patent (see column 7, line 67 through column 8, line 7 of Anderson).

Clearly this is too broad a reading of the Anderson patent and accordingly, withdrawal of this rejection under 35 USC §103(a) is respectfully requested.

Since all of the claims are in proper form and have been patentably distinguished over the publications of record, an early Notification of Allowance is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made"**.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Matthew Boxer".

Matthew Boxer  
Registration No. 28,495  
Attorney for Applicants

MB:sc  
201-840-2963

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### In the Claims

Claim 2 has been amended as follows:

2. (Amended) A hair bleaching composition according to claim 1, wherein the pH of the composition is greater than or equal to ~~pH 10.1~~, preferably greater than or equal to pH 10.3, most preferably greater than or equal to pH 10.5.

Claim 10 has been amended as follows:

10. (Amended) A method of bleaching hair using a hair bleaching kit according to claim ~~44~~ 9, comprising admixing the contents of the packages followed by applying the composition to the hair.

Claim 12 has been amended as follows:

12. (Amended) Method of colouring hair using a hair colouring kit according to claim ~~45~~ 11, comprising admixing the contents of the packages followed by applying the composition to the hair.

New claim 13 has been added.

New claim 14 has been added.